

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, August 26, 2002

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members, Bloomfield, Clement, Kreider, Raser, Senhauser, Spraul-Schmidt and Wallace present. Absent: Borys, Sullebarger.

MINUTES

The minutes of the Monday, August 12, 2002 meeting were approved (motion by Spraul-Schmidt second by Clement).

CERTIFICATE OF APPROPRIATENESS, 515 MILTON STREET, PROSPECT HILL HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report on this request for a Certificate of Appropriateness for the revision of a front wall and fence at 515 Milton Street approved by the Historic Conservation Board on June 11, 2001.

Ms. Kellam described the previously approved design as a 42" stone wall topped by metal fencing for a total height of 6' along the front of the property screening the open space created between the original house and new addition. The revised design is a 6' brick wall with a metal entrance gate. Ms. Kellam stated that the revision is for security and privacy and to recapture outdoor space lost from the small rear yard.

-- Mr. Kreider joined the meeting --

Ms. Kellam stated that no one attended the pre-hearing. She explained that the Prospect Hill Neighborhood Association reviewed the revised drawings and overall had no objection to the revisions.

Ms. Kellam stated that solid brick walls are not common in the district and enclosing the front yard with a tall privacy wall does not meet with the guidelines. She pointed out that the new design is not characteristic of the neighborhood and that staff has encouraged the applicant to stay with the original design and provide privacy by landscaping.

-- Mr. Raser joined the meeting --

In answer to Mr. Kreider, Ms. Kellam stated that the original design included a recessed gate perpendicular to the sidewalk. The revised wall is in the same location as the approved design, but the gate is now at the sidewalk, opposite the front door.

Applicant/architect Eric Puryear and owners Kim Klosterman and Michael Lowe were present to respond to questions by the Board. Eric Puryear stated that in the course of construction, a number of revisions had been made to better relate the original house and new addition. He described the original approved stone wall with metal railing as not in keeping with the vocabulary of the addition, although he acknowledged that it was indicative of the neighborhood. He said the higher wall

and gate better reflect the bolder architectural design of the addition and also provides more security and privacy.

Mr. Puryear contended that the concept of an outdoor room was always part of the design intent. He noted that the back yard will be made even smaller than shown in the staff photographs when a set of stairs is installed. Therefore, the front yard is the only viable option for the outdoor room. He further indicated that the new wall will have to absorb the 24" change in grade at the driveway apron. Mr. Puryear said that the new gate will reflect the transparent joint created by the entry door and window of recessed link. The remaining portion of the façade is meant to be a backdrop for additional landscaping. Mr. Puryear confirmed that the proposed brick wall lines up with others on the street.

Owner Kim Klosterman emphasized that the new wall is more in keeping with the original structure. She noted that Mr. Puryear has photographed existing walls in the district with at least five on Milton Street that create courtyards. She acknowledged the existing walls may or may not have been approved by the Historic Conservation Board. She stated that the proposed brick wall would address her primary concern, which is security.

The Board recognized owner Michael Lowe who chose not to speak.

Mr. Bloomfield acknowledged that there are good design arguments in the original proposal as well as the current proposal and supported the applicant's request in revising the wall. In addition, Ms. Clement voiced her support of the applicant's request based on the design of the addition.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Spraul-Schmidt) to approve a Certificate of Appropriateness for the alternative wall design, as submitted.

CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE, 13TH AND JACKSON STREET, OVER-THE-RHINE (SOUTH) HISTORIC DISTRICT

Staff member Cheri Rekow presented the staff report for a zoning variance for the parking lots located on 13th and Jackson Streets, which service the Jackson Lofts at 1227 Jackson Street. The applicant is requesting permanent relief from Zoning Code regulations requiring parking lots to be paved. In addition, the applicant is requesting a Certificate of Appropriateness to pave a five-foot deep apron the width of the entry gate as the only improvement to the site.

Ms. Rekow explained that on May 15, 1995, the Historic Conservation Board granted an approval of a development plan for 1227 Jackson Street. The plan included the creation of parking lots on 13th and Jackson Streets. As proposed, the parking lots were to be paved with blacktop. On June 7, 1999, the applicant requested a zoning variance to maintain the two parking lots in their existing condition with a compacted crushed limestone surface, citing reasons of economic hardship. At that time, the Historic Conservation Board granted the requested variance for a period of two years to assist the applicant in gaining a recoverable rate of return on his investment on the condition that the parking lots be landscaped. To this date, the lots have not been paved or landscaped.

The applicant has submitted a proposal to pave approximately 100 square feet of area between the gateposts of both lots with concrete paving stones. He has also

submitted documentation to support his claim of economic hardship and stated that the unrest in April 2001 has directly caused a loss of tenants and that the current tenants would be inconvenienced if the lots were to be taken out of service and paved.

Ms. Rekow stated that in surveying the area (a four block radius around the Jackson Lofts), staff found that all lots are paved in compliance with the zoning code with the exception of a nonconforming lot serving Old St. Mary's Church.

Applicant J.A. Wood addressed the Board distributing exhibits that included letters from two neighbors in favor of leaving the lots unpaved, current photographs of the Jackson Loft lots, and photographs of five unpaved lots on 15th Street, Clay Street, Liberty Street and Reading Road. Mr. Wood stated that a precedent would not be set in granting him the zoning variance since other unpaved lots currently exist in the vicinity. Also included was a 1996 CAGIS photograph showing the Jackson Street lot, which the applicant asserted shows the lot was used for parking prior to his project. Mr. Wood contended that he should not have been cited for the zoning violation originally.

Mr. Wood emphasized that he can in no way afford to pave the lots considering the number of vacancies and his zero rate of return on his capital investment. Mr. Wood added that in speaking with Reggie Lyons of the City's Buildings and Inspections Department, he developed his current proposal to pave the first five feet of both lots in an attractive way with pavers as a permanent solution to the paving request.

There was additional discussion regarding the documentation presented by Mr. Wood to show economic hardship. In response to Ms. Wallace, Mr. Wood stated that since last April, he has suffered vacancies in the lofts which he never had before. Responding to Mr. Senhauser, Mr. Wood said the positive cash flow of \$20,000 shown in 2001 would not be realized this year and that the paperwork presented did not reflect cash invested. He stated that this year, he has invested almost two times the amount of the previous year.

Mr. Forwood confirmed for Mr. Bloomfield that the Board's original approval was contingent upon the Mr. Wood landscaping and paving the parking lots as required by the zoning code. The relief granted by the Board in 1999 was to be temporary, for a period of only two years. The Board agreed with Mr. Wood that apartment vacancies are down; however, they are down throughout Over-the-Rhine, and everywhere in the city.

Mr. Patrick West, facility director for the Cincinnati Art Museum, stated that the Art Museum, as owner of the property in direct proximity of the lots would like uniformity and stood by the staff recommendation that the lots be paved. Mr. West acknowledged that the Art Academy has had an interest in possibly utilizing the 13th Street lot for a loading dock facility. With the Art Academy moving in such close proximity, there was also speculation that Mr. Wood could see an increase in tenants.

The Board further discussed the economic hardship documentation presented and concluded that even with the economic conditions and climate in Over-the-Rhine, Mr. Wood had a positive cash flow in 2001 and since 1999 has done nothing to satisfy the Board's conditions.

BOARD ACTION

The Board voted unanimously (motion by Krieder, second by Clement, Bloomfield abstaining, Raser recused) to take the following actions:

1. Deny a variance to retain the existing surface on the parking lots or portions of the parking lot finding that:
 - a. The existing lot is inappropriate for the district and not in the interest of historic preservation;
 - b. The applicant has not adequately demonstrated a unique circumstance;
 - c. Granting the variance will set an undesirable precedent to allow similar lots throughout Over-the-Rhine;
2. Deny a Certificate of Appropriateness and require landscaping per the Historic Conservation Board's 1999 approval; and
3. Instruct the Department of Buildings and Inspections to enforce the landscaping requirement, per the June 7, 1999 Board Decision.

CERTIFICATE OF APPROPRIATENESS, EQ APPROVAL, AND SECTION 106 REVIEW, 109 WEST ELDER STREET, OVER-THE-RHINE (NORTH) HISTORIC DISTRICT

Staff member Cheri Rekow presented the staff report for a Certificate of Appropriateness and Environmental Quality approval for façade modifications and partial demolition of the building located at 109 West Elder Street. Owner/applicant Paul Sebron intends to reestablish his restaurant, *Mr. Pig*, at this location where he had founded the restaurant in the mid-1990's. Mr. Sebron will receive Empowerment Zone funds to assist in the project, thus triggering a Section 106 review by the Ohio Historic Preservation Office.

Although it was not so identified in the Over the-Rhine (North) Historic Guidelines, the building has been determined by the OHPO to be a non-contributing building. This was based on an historic photograph that showed the upper floors have been lost. Ms. Rekow noted that only a one-story storefront remains with original cast iron pilasters.

Ms. Rekow indicated that since the building has been identified as a non-contributing building, Over-the-Rhine (North) Historic District guidelines for new construction apply. In addition, site improvement guidelines for fences and walls also apply since the façade is to be treated as a gateway.

Ms. Rekow summarized the proposed renovations. The façade will be modified to create an interior open-air courtyard by the partial demolition of the roof and parapet. The plan includes removal of the door and glazed portion of the existing storefront, leaving the original cast iron storefront, installation of a 6' high wrought iron gate within the open bays to enclose the courtyard, and installation of a projecting sign. A barbecue grill and dining tables will be located in the courtyard. Staff believes that the proposed renovations meet the historic district guidelines.

Ms. Rekow explained that the building is also located in an Environmental Quality-Public Investment (EQ-PI) District. The proposed projecting sign does not conform to the EQ guidelines which limit projecting signs to symbol signs not exceeding six square feet per sign.

Owner/applicant Paul Sebron was present to respond to questions from the Board. Mr. Sebron described details of the proposed renovation and added that the courtyard will enable him to cook off the street in compliance with all health regulations and that a vent will be installed to remove smoke appropriately. The outdoor area will be covered by a wooden pergola.

Mr. Senhauser commented that with the cast iron storefront and wrought iron fence, very little remains to identify the building from the street. Therefore, the sign identifying the establishment will be important and could present an opportunity to utilize interesting graphics. Mr. Sebron acknowledged the importance of an appropriate sign and indicated he is obtaining assistance in developing a revised sign. Additionally, while not part of the Board's review, Mr. Senhauser encouraged illuminating the courtyard to enliven the street and encourage nightlife in the neighborhood.

The Board questioned the location of the proposed pergola and pointed out that if included in the final design, it should be appropriately located above the storefront cornice or at the horizontal lintel recommended by staff.

Mr. Raser commended the admirable use of Empowerment Zone funds and expressed his support of the project.

BOARD ACTION

The Board voted unanimously (motion by Spraul-Schmidt, second by Raser) to take the following actions:

1. Approve a Certificate of Appropriateness to modify the façade at 109 West Elder for the purpose of creating an enclosed courtyard, including:
 - a. Demolition of the remaining second floor façade (parapet) and roof to a depth of 30 feet;
 - b. Removal of the existing door, windows, sills, and transoms, provided the horizontal lintel at the level of the door head be recreated per the historic photograph;
 - c. Installation of 6' wrought iron bars; and
 - d. Installation of an identification sign.
2. Grant Environmental Quality District approval for same work conditioned upon revision of projecting sign subject to final review by the Urban Conservator.
3. Direct the Urban Conservator to advise the Ohio Historic Preservation Office of the Board's actions under Section 106 consultation.

TAFT MUSEUM UPDATE

Urban Conservator Forwood presented a revision to the exterior of the Taft Museum addition, for which a Certificate of Appropriateness was approved on February 25, 2002. He circulated a written explanation and justification for the changes prepared by project architect Anne Beha of Boston. He indicated that a formal application would be made before the Board at a later date.

-- Mr. Kreider left the meeting --

Mr. Senhauser stated that he considered the revisions to be substantial and that they would require more study. Therefore, he referred the design to the committee of the Board originally formed to review this project (Mr. Bloomfield, Ms. Borys, and Ms. Sullebarger) asking that it consider the revisions and report when the project was formally presented.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date